

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CYCLE-CRAFT CO., INC.
d/b/a BOSTON HARLEY-
DAVIDSON/BUELL,

Plaintiff,

v.

HARLEY-DAVIDSON MOTOR COMPANY,
INC., and BUELL DISTRIBUTION
COMPANY, LLC,

Defendant.

Civil Action No. 04 11402 NMG

**PLAINTIFF CYCLE-CRAFT'S SUPPLEMENTAL PRETRIAL MEMORANDUM AND
OBJECTIONS TO HARLEY-DAVIDSON'S DISCLOSURES**

Pursuant to the Court's April 6, 2006 Procedural Order Re: Final Pretrial Conference/Trial, Plaintiff Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell ("Cycle-Craft") submits this Supplemental Pretrial Memorandum and Objections to Harley-Davidson's Disclosures.

I. Supplemental Exhibit List

Cycle-Craft hereby submits its Supplemental Exhibit List for the jury trial currently scheduled for May 22, 2006. Cycle-Craft reserves its right to supplement and amend this list. Cycle-Craft further reserves the right to offer as evidence additional documents as needed for cross-examination, impeachment or rebuttal. Finally, Cycle-Craft reserves the right to introduce any exhibit appearing on Harley-Davidson Motor Company Inc. ("Harley-Davidson")'s exhibit list.

Cycle-Craft further states that it includes certain exhibits without waiver or limitation of its right to object to any exhibit, on grounds of authenticity, competency, relevancy, materiality, privilege, admissibility as evidence for any purpose, or any other ground.

In accordance, with the Court's Order, those exhibits to be introduced by without objection are identified by a single sequence of numbers and those exhibits for which Harley-Davidson has reserved the right to object have been identified by a single sequence of capital letters. Cycle-Craft has attempted to comply with the Court's directive to list exhibits in order of their anticipated introduction to the Court but reserves the right to alter that order of introduction.

Objected to Exhibits

Trial Exhibit Number	Date	Description	Deposition Exhibit Number	Bates Range(s)	Dated Offered	Dated Admitted	Offered Through Witness:
A.	6/12/04	Video Recording of Cycle-Craft Facility	Atwood Declaration, Ex. 5				
B.	03/07/03	Letter from Gregory Holmes to Harry [Barry] Nichols re: Boston Harley Davidson	Plaintiff Summary Judgment Exhibit 33, Malicki 40	H-D 0979 – 0980			
C.	2000-2003	Cycle-Craft's Bar and Shield Scoresheets	Plaintiff Summary Judgment Exhibit 38	H-D 0532, 0557, 0582, 0607			
D.	07/14/99	Boston Globe article entitled "A Bumpy Ride to the Top Small Business Award Winners Take a Risk and Turn Contaminated Paint Factory Into a Roaring 'HOG' Dealership"	Plaintiff Summary Judgment Exhibit 41-A				
E.	04/19/98	Boston Globe article entitled "Bank In Everett Is Branching Out"	Plaintiff Summary Judgment Exhibit 41-B				
F.	1997	Excerpt from Harley-Davidson, Inc.'s Annual Report	Plaintiff Summary Judgment Exhibit 41-C				

Trial Exhibit Number	Date	Description	Deposition Exhibit Number	Bates Range(s)	Dated Offered	Dated Admitted	Offered Through Witness:
G.	07/31/00	Boston Herald article entitled "Biker Benefit Ride Raises Cash for Kids With Cancer"	Plaintiff Summary Judgment Exhibit 41-E				
H.	07/31/95	Boston Globe article entitled "Motorcyclists Take to the Road to Help Charity Fund-Raiser Benefits House for Children With Cancer"	Plaintiff Summary Judgment Exhibit 41-F				
I.	05/09/98	Boston Herald article entitled "High on Hog at Everett Harley Dealership"	Plaintiff Summary Judgment Exhibit 41-G				
J.	05/28/04	Everett Advocate article entitled "Harley-Davidson 'pitches-in' to Cal Ripken Buddy Ball"	Plaintiff Summary Judgment Exhibit 41-H				
K.	10/30/03	Press Release entitled "Boston H.O.G. Chapter Donates Check to American Cancer Society"	Plaintiff Summary Judgment Exhibit 41-I				
L.		Boston Harley-Davidson Vehicle Inventory for John Atwood's Motorcycles	Plaintiff Summary Judgment Exhibit 41-J				
M.	05/01/04	2004 Boston Harley-Davidson Mission Statement	Buchbaum 9	C-C 2093-96			
N.	03/20/02	Memo from Nichols to Holaday re: Atwood SRL/ ARO/S possibilities	Holaday 60	H-D 1501			
O.	12/05/00	Letter from Ostrom to Atwood re: specific VIN numbers	Holaday 61	H-D 1077-87			
P.	02/04/03	Letter from Nichols to Atwood re: Boston, MA Market Study	Malicki 39	H-D 0982-86			
Q.	Various Dates	Documentation and awards received by Cycle-Craft/Boston Harley for charitable contributions and good performance		C-C 00030-37, C-C 01959-2022, C-C 02143-72, C-C 02479-87			
R.	1990	1990 Annual Report of Harley-Davidson, Inc.					
S.	1991	1991 Annual Report of Harley-Davidson, Inc.					
T.	1996	1996 Annual Report of Harley-Davidson, Inc.					
U.	1997	1997 Annual Report of Harley-Davidson, Inc.					
V.	2002	2002 Annual Report of Harley-Davidson, Inc.					
W.	2003	2003 Annual Report of Harley-Davidson, Inc.					

Trial Exhibit Number	Date	Description	Deposition Exhibit Number	Bates Range(s)	Dated Offered	Dated Admitted	Offered Through Witness:
X.	07/23/03	Bills of Sale from the sales of motorcycles to Florida residents at issue in this dispute	Plaintiff Summary Judgment Exhibit 16, Lunsford 7, Stevens 3	C-C 00698, 00729, 00827, 00682, 00901, 00747, 00867, 00784, 00771, 00641, 00626, 00802, 00854, 00669, 00894, 00836, 00596, 00608, 00713			
Y.	07/25/03	Sales and Warranty Registration forms ("SWRs") from the sales of motorcycles to Florida residents at issue in this dispute	Plaintiff Summary Judgment Exhibit 17, Lunsford 16, Stevens 2	C-C 00590, 00610, 00629, 00651, 00662, 006884, 00696, 00721, 00732, 00749, 00773, 00788, 00807, 00817, 00835, 00853, 00872, 00893, 00903			
Z.	07/28/03	Copies of driver's licenses from the sales of motorcycles to Florida residents at issue in this dispute	Plaintiff Summary Judgment Exhibit 18, Lunsford 8, Stevens 6				
AA.	Various dates	Copies of the Bills of Sales from the sales of motorcycles to New Hampshire residents at issue in this dispute	Plaintiff Summary Judgment Exhibit 22, Christensen 3	C-C 00457, 00508, 00527, 00440, 00544, 00557, 00490, 00465			
BB.	Various dates	Copies of the Certificates of Origins from the sales of motorcycles to New Hampshire residents at issue in this dispute	Plaintiff Summary Judgment Exhibit 23, Christensen 4	C-C 00459, 00455, 00511, 00506, 00520, 00525, 00434, 00436, 00543, 00538, 00555, 00564, 00491, 00486, 00467, 00471			
CC.	Various dates	Copies of driver's licenses from the sales of motorcycles to New Hampshire residents at issue in this dispute	Plaintiff Summary Judgment Exhibit 25, Christensen 6	C-C 00522, 00507, 00442, 00545, 00558, 00492, 00466			
DD.	July 2003	Dealer file for Joe Giordano	Buchbaum Declaration Exhibit 1				
EE.	July 2003	Dealer file for Charles Potts	Buchbaum Declaration Exhibit 2				

Trial Exhibit Number	Date	Description	Deposition Exhibit Number	Bates Range(s)	Dated Offered	Dated Admitted	Offered Through Witness:
FF.	10/01/03	Employee Warning Notice issued to Jason Marasca	Buchbaum 14	C-C 02453			
GG.	02/11/04	Employee Warning Notice issued to Jason Marasca	Buchbaum 15	C-C 02454			
HH.	04/08/04	Employee Warning Notice issued to Jason Marasca	Buchbaum 16	C-C 02455			
II.		Positive Customer Testimonials		C-C 00001-15			
JJ.	12/22/04	Opinion issued by the Court of Appeals of Wisconsin. Racine Harley-Davidson, Inc. v. State of Wisconsin, Division of Hearings and Appeals, Harley-Davidson Motor Company, Inc. (278 Wis.2d 508, 692 N.W.2d 670))					
KK.		Massachusetts General Laws Part I, Title XV, Chapter 93B. Regulation of Business Practices Between Motor Vehicle Manufacturers Distributors and Dealers					
LL.		Harley-Davidson Dealer Market Areas by Zip Base Map.	Holaday 59	H-D 1788			
MM.	05/03/04	E-mail from Contois to Buchbaum re: Five Year Business Plan	Malicki 46	H-D 0978			
NN.	05/90	Study entitled "Analysis and Recommendations Concerning Export Sales" compiled by the Fontana Group, Inc.	Plaintiff Summary Judgment Exhibit 5, Flickinger 3	H-D 1572 - 1588			
OO.	05/21/92	Harley-Davidson Non-Retail Policy/P & A Allocation Meeting Minutes	Plaintiff Summary Judgment Exhibit 6, Flickinger 8	H-D 1606 - 1608			
PP.	04/18/91	Memorandum from Cimermanic to Harley-Davison employees re: "Non-Retail" Sales	Flickinger 5	H-D 1592-95			
QQ.	02/93	Letter from Fink to Harley-Davidson dealers re: Non-Retail Sales	Flickinger 10	H-D 1615-23			
RR.	03/18/04	Memorandum from Flickinger to Harley-Davidson dealers re: Sales of New Motorcycles in E-Commerce w/2004 Model Year Non-Retail Policy attached	Flickinger 12A	H-D 20013-15			
SS.	05/14/04	Letter to William Berkowitz from Gregory Holmes	Verduyn 26				

Trial Exhibit Number	Date	Description	Deposition Exhibit Number	Bates Range(s)	Dated Offered	Dated Admitted	Offered Through Witness:
TT.	12/13/02	E-mail from Bill Holaday to Mike Malicki, Gene Ostrom, CC to Barry Nichols and Joe Marcolina re: Boston Market Study	Plaintiff Summary Judgment Exhibit 34, Malicki 38	H-D 1805 - 1806			
UU.	04/25/02	Correspondence to Gene Ostrom from Brian Kelly re: possible Beverly-Danvers locations	Ostrom 64	H-D 20291-94			
VV.	04/09/02	B&L Client Advisory	Ostrom 65	H-D 2094.1			
WW.	06/20/02	Letter from Brian Kelly to Mike Malicki re: Beverly-Danvers market area	Ostrom 66	H-D 20295			
XX.	08/30/04	Letter from Brian Kelly to Mr. Evers re: possible Danvers location	Ostrom 67	H-D 20296-97			
YY.	01/11/05	Letter from Thomas Wyand, North End Harley-Davidson, Inc., to Mike Malicki, Harley-Davidson Motor Company	Plaintiff Summary Judgment Exhibit 13	H-D 11001 - 11002			
ZZ.	07/28/03	E-mail from Steve Verduyn to Mike Malicki and Al Contois re: SWR report needed	Plaintiff Summary Judgment Exhibit 35, Verduyn 14	H-D 1852 – 1853			
AAA.	07/30/03	E-mail to Tony Gray and Kathy Henson from Steve Verduyn re: 1864 (Boston HD) financial statement	Verduyn 15	H-D 1854			
BBB.	02/02/04	E-mail to Al Contois from Steve Verduyn re: Boston HD audit/Non-Retail Sales	Verduyn 21	H-D 1910			
CCC.	04/27/04	Termination letter to Tina Hargis re: Boston Harley-Davidson	Verduyn 77	H-D 31010-11			
DDD.	09/19/03	Letter from Flickinger re: Bay City, MI investigation	Verduyn 78	H-D 31008-09			
EEE.	09/19/03	Letter from Flickinger re: Bob Schultz dealer Investigation	Verduyn 79	H-D 31006-07			
FFF.	01/14/04	Letter from Flickinger re: Schofield, WI investigation	Verduyn 80	H-D 31003-05			
GGG.	10/16/03	Termination letter from Jon Flickinger to Santa Fe Harley-Davidson	Verduyn 81	H-D 31000-02			
HHH.	03/01/04	Letter to Bruns indicating intent to audit dealership.	Verduyn 82	H-D 20526-30			
III.		Invoices from Harley-Davidson to McCasland Motorcycles	Verduyn 83	H-D 20458-61			

Trial Exhibit Number	Date	Description	Deposition Exhibit Number	Bates Range(s)	Dated Offered	Dated Admitted	Offered Through Witness:
JJJ.	Various Dates	Collection of audit letters sent from Harley-Davidson, Inc. to various dealers	Verduyn 84				
KKK.	Various Dates	Series of letters sent from Harley-Davidson, Inc. to various dealers	Verduyn 87				
LLL.	02/13/04	Letter from Malicki to McTamney of Liberty Harley-Davidson		H-D 10615-16			
MMM.	04/02/04	Letter from Malicki to McTamney of Liberty Harley-Davidson		H-D 10617-20			
NNN.	10/30/02	E-mail from Verduyn to Oppermann re: Suspect non-retail letter needed, dealer 0230		H-D 41746			
OOO.	10/31/02	Letter from Hutchinson to Scott of Harley-Davidson Fullerton, Inc.		H-D 41744-45			
PPP.	05/27/03	Letter from Hutchinson to Scott of Harley-Davidson Fullerton, Inc.		H-D 41749-51			
QQQ.	12/12/02	Letter from Hutchinson to Tom of Downtown Harley-Davidson		H-D 42138-39			
RRR.	02/05/03	Letter from Hutchinson to Tom of Downtown Harley-Davidson		H-D 42338-42			
SSS.	03/31/03	Letter from Hutchinson to Tom of Downtown Harley-Davidson		H-D 42343			
TTT.	10/11/02	Letter from Heichelbech to Rhoten of Dodge City Harley-Davidson		H-D 41434-35			
UUU.	12/06/02	Letter from Heichelbech to Rhoten of Dodge City Harley-Davidson		H-D 41427-28			
UUU.1		Photographs of the Boston Harley-Davidson dealership		C-C 03060-85			
UUU.2		Sales advertisements placed in the Boston Herald by Boston Harley-Davidson		C-C 00980 – C-C 01012			
UUU.3	08/07/03	Fax from Bloom to Lieutenant Wessles	Bloom 1	FLHP 91-131			
UUU.4A		Deal Jacket for NH Sale		C-C 00428-50			
UUU.4B		Deal Jacket for NH Sale		C-C 00451-61			
UUU.4C		Deal Jacket for NH Sale		C-C 00462-81			
UUU.4D		Deal Jacket for NH Sale		C-C 00482-99			
UUU.4E		Deal Jacket for NH Sale		C-C 00500-14			
UUU.4F		Deal Jacket for NH Sale		C-C 00515-31			
UUU.4G		Deal Jacket for NH Sale		C-C 00532-50			
UUU.4H		Deal Jacket for NH Sale		C-C 00551-69			
UUU.4I		Deal Jacket for FL Sale		C-C 00586-602			
UUU.4J		Deal Jacket for FL Sale		C-C 00603-19			
UUU.4K		Deal Jacket for FL Sale		C-C 00620-37			
UUU.4L		Deal Jacket for FL Sale		C-C 00638-56			
UUU.4M		Deal Jacket for FL Sale		C-C 00657-73			

Trial Exhibit Number	Date	Description	Deposition Exhibit Number	Bates Range(s)	Dated Offered	Dated Admitted	Offered Through Witness:
UUU.4N		Deal Jacket for FL Sale		C-C 00674-91			
UUU.4O		Deal Jacket for FL Sale		C-C 00692-708			
UUU.4P		Deal Jacket for FL Sale		C-C 00709-25			
UUU.4Q		Deal Jacket for FL Sale		C-C 00726-43			
UUU.4R		Deal Jacket for FL Sale		C-C 00744-61			
UUU.4S		Deal Jacket for FL Sale		C-C 00762-80			
UUU.4T		Deal Jacket for FL Sale		C-C 00781-98			
UUU.4U		Deal Jacket for FL Sale		C-C 00799-813			
UUU.4V		Deal Jacket for FL Sale		C-C 00814-31			
UUU.4W		Deal Jacket for FL Sale		C-C 00832-48			
UUU.4X		Deal Jacket for FL Sale		C-C 00849-63			
UUU.4Y		Deal Jacket for FL Sale		C-C 00864-81			
UUU.4Z		Deal Jacket for FL Sale		C-C 00882-900			
UUU.4AA		Deal Jacket for FL Sale		C-C 00901-05			

Unopposed Exhibits

Trial Exhibit Number	Date	Description	Deposition Exhibit Number	Bates Range(s)	Dated Offered	Dated Admitted	Offered Through Witness:
1.	09/19/00	Harley-Davidson Motorcycle Dealer Contract for Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell	Plaintiff Summary Judgment Exhibit 1, Atwood 1	H-D 0001, 0001.1, 0002, 0002.1, and 0035			
2.	06/14/02	Harley-Davidson Motorcycle Dealer Contract Extension for Cycle-Craft Co., Inc. d/b/a Boston Harley-Davidson/Buell	Plaintiff Summary Judgment Exhibit, 1 Atwood 1A	H-D 0006			
3.	01/99	Harley-Davidson General Conditions of Sale and Service	Plaintiff Summary Judgment Exhibit 2	H-D 0007 - 0032			
4.	04/20/04	Letter from Jon Flickinger to John Atwood re: Inspection of Records	Plaintiff Summary Judgment Exhibit 14, Verduyn 24	H-D 0085 - 0087			
5.	04/20/04	Letter from Jon Flickinger to John Atwood re: Notice of Dealer Contract Termination	Plaintiff Summary Judgment Exhibit 26, Verduyn 25	H-D 0088 – 0093			

6.	07/28/03	Copies of cashier's checks from the sales of motorcycles to Florida residents at issue in this dispute	Plaintiff Summary Judgment Exhibit 20, Lunsford 4, Stevens 5	C-C 00822, 00679, 00902, 00861, 00666, 00838, 00890, 00716, 00593, 00871, 00627, 00607, 00733, 00748, 00785, 00772, 00647, 00697, 00804			
7.	Various dates	Copies of cashier's checks from the sales of motorcycles to New Hampshire residents at issue in this dispute	Plaintiff Summary Judgment Exhibit 24, Christensen 5	C-C BATES CUT-OFF, C-C 00507, 00524, 00437, 00540, 00562, 00485, 00472			
8.	02/21/05	Defendants' Supplemental Answers to Interrogatories	Plaintiff Summary Judgment Exhibit 36				
9.	08/12/03	E-mail from Mike Malicki to Al Contois and Steve Verduyn re: Lee Custom Cycle	Plaintiff Summary Judgment Exhibit 37, Verduyn 17	H-D 1855 – 1856			
10.	07/20/90	1991 Model Pricing and Non-Retail Sales Policy	Flickinger 4	H-D 1589-90			
10A.	1991-2004	Harley-Davidson's Non-Retail Sales Policies for the 1991-2004 Model Years	Plaintiff Summary Judgment Exhibit 3, Flickinger 11	H-D 1624-1640, H-D 0987-0988			
11.	02/13/04	E-mail to Al Contois and Mike Malicki from Steve Verduyn w/audit notice attached for Boston Harley-Davidson	Verduyn 22	H-D 1911-12			

II. **Supplemental Witness Lists**

A. **Live Witnesses**

Cycle-Craft hereby submits its Supplemental Witness List for the jury trial currently scheduled for May 22, 2006. Cycle-Craft reserves its right to further supplement and amend this list. Cycle-Craft has not listed such additional witnesses as may be required solely for document authentication, or who may be needed for rebuttal purposes. This witness list is based on the assumption that Harley-Davidson is not willing to voluntarily produce Harley-Davidson employee witnesses for examination during Cycle-Craft's case in chief. Finally, Cycle-Craft

reserves the right to call any witness that appears on Harley-Davidson's witness list, and to offer additional testimony by deposition or trial transcript.

In alphabetical order, the witnesses that Cycle-Craft expects to present at trial as part of its case in chief are as follows:

John Atwood (Fact Witness)
361 Charles Street
Reading, MA 01867

Michael Bloom (Fact Witness)
4 Pocahontas Drive
West Peabody, MA 01960

Laura Breeden (Fact Witness)
C/o Bingham McCutchen
150 Federal Street
Boston, MA 02110

Ronald Buchbaum (Fact Witness)
No. 7 Cape Ann Circle
Ipswich, MA 01938

Al Contois (Fact Witness)
9 Chestnut Way
Stratham, NH 03885

Steve DeOssie (Fact Witness)
C/o Cycle-Craft
1760 Revere Beach Pkwy Rte. 16
Everett, MA 02149

Claud Jinks (Fact Witness)
Dynamic Dealer Strategies
6504 Turnberry Lane SE
Olympia, WA 98501

Jennifer Kent (Fact Witness)
C/o Bingham McCutchen
150 Federal Street
Boston, MA 02110

Jamie McGrath (Fact Witness)
62 Clifton Avenue
Saugus, MA, 01906

Kenneth McPhee (Fact Witness)
19 Temple Drive
Methuen, MA 01844

Elizabeth Menninger (Fact Witness)
C/o Cycle-Craft
1760 Revere Beach Pkwy Rte. 16
Everett, MA 02149

Rochelle Pauletti (Fact Witness)
C/o Cycle-Craft
1760 Revere Beach Pkwy Rte. 16
Everett, MA 02149

B. Witnesses Appearing by Deposition¹

Listed below are Plaintiff Cycle-Craft's supplemental designations of the pertinent portions of the testimony Cycle-Craft expects to present at trial by means of deposition. This testimony is expected to be presented by transcript and/or by video playback. Cycle-Craft reserves the right to further supplement or amend these designations. In addition, inclusion of testimony is not a concession of its admissibility. Cycle-Craft also expects that it may be necessary to designate additional portions of testimony from these, or other, witnesses after it has reviewed any witness lists and/or designations of testimony proposed by Harley-Davidson. Further, Cycle-Craft expects that it may be necessary to designate additional portions of testimony from these, or other, witnesses in response to Harley-Davidson's objections to Cycle-Craft's exhibits.

¹ The Parties are in the process of negotiating their respective objections and counter-designations to deposition testimony.

Diane Bolden	
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Jon Flickinger April 5, 2005	
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Jon Flickinger May 27, 2005

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William Holaday

PAGE REFERENCE	LINE NUMBERS
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Michael Malicki

PAGE REFERENCE	LINE NUMBERS
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Michael Malicki	
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Barry Nichols	
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Gene Ostrom	
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Steven Verduyn April 6, 2005	
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² Plaintiff identifies this excerpt because of an unanticipated foundation objection by Defendant.

Steven Verduyn April 6, 2005	
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92	1-18
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101	1-17
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III. **Objections**

In accordance with the Court's Order, Cycle-Craft hereby submits its objections to the proposed exhibits and deposition designations of Harley-Davidson. Cycle-Craft reserves the right to supplement and amend these objections.

A. **Objections to Harley-Davidson's Exhibits**

NUMBER	DESCRIPTION	OBJECTION
VVV	December 18, 1996 SWR Agreement (H-D 1657)	Relevancy
WWW	July 1, 2002 Memo to All Dealers re: 2003 Model Year (H-D 21773-91)	Relevancy
XXX	Warranty Manual Excerpts (H-D 1650-51)	Relevancy
YYY	NRSP for the model years 2000 to 2004	Relevancy
ZZZ	March 6, 2003 Email from Verduyn to Kevin Dacey (H-D 1817)	Relevancy Hearsay
AAAA	March 7, 2003 Email from Dacey to Verduyn (H-D 1818)	Relevancy
BBBB	April 4, 2003 Email from Malicki to Verduyn (H-D 1832-34)	Relevancy Hearsay
CCCC	June 20, 2003 Email from Verduyn to Dodson (H-D 1844)	Relevancy Hearsay

NUMBER	DESCRIPTION	OBJECTION
DDDD	Letter from Vesey to Buchbaum (Buchbaum Dep. Ex. No. 6)	Relevancy Hearsay Foundation
EEEE	Buchbaum Employment Agreement (Buchbaum Dep. Ex. No. 4)	Relevancy
FFFF	Customer Survey Response (Buchbaum Dep. Ex. No. 13)	Relevancy Hearsay Foundation
GGGG	SWR Guide	Relevancy Not produced in discovery
HHHH	Blank Hard Copy SWR	Relevancy Not produced in discovery
IIII	July 1, 2004 Email from Contois to Verduyn (H-D 12038-39)	Relevancy Hearsay Foundation
JJJJ	Financial Statements and Tax Returns for Cycle-Craft	Relevancy
KKKK	July SWR Bikes List (C-C 1060-61)	Hearsay Foundation
LLLL	Electronic SWR for Robert Misiano (H-D 1675)	Relevancy
MMMM	Cycle-Craft Dealer File for David Hamner (C-C 02488-2506)	Relevancy
NNNN	Electronic SWR for James Jouve (H-D 1674)	Relevancy
OOOO	Cycle-Craft Dealer File for Robert Duff (C-C 02507-2526)	Relevancy
PPPP	Electronic SWR for Robin Misiano (H-D 1672)	Relevancy
QQQQ	Cycle-Craft Dealer File for Robert Romig (C-C 02591-2603)	Relevancy
RRRR	Electronic SWR for Marisa Olivo (H-D 1673)	Relevancy
SSSS	Cycle-Craft Dealer File for Louis Nardone (C-C 2527-2571)	Relevancy
TTTT	Electronic SWR for Howard Cook (H-D 1671)	Relevancy
UUUU	Cycle-Craft Dealer File for Scott Desalvo (C-C 02636-2615)	Relevancy
VVVV	Electronic SWR for Andre Silva (HD 1670)	Relevancy
WWWW	Cycle-Craft Dealer File for Theodore Shomos (C-C 02668-2678)	Relevancy

NUMBER	DESCRIPTION	OBJECTION
XXXX	Electronic SWR for Sheila Firth (H-D 1668)	Relevancy
YYYY	Cycle-Craft Dealer File for John Holbrook (C-C 02581-2590)	Relevancy
ZZZZ	Cycle-Craft Sales Log (C-C 02808-2898) (Buchbaum Dep. Ex. No. 17)	Hearsay Foundation
AAAAA	Telephone Invoices (Buchbaum Dep. Ex. No. 18)	Relevancy Foundation
BBBBB	Summary of Telephone Calls	Relevancy Foundation Misleading Rule 403
CCCCC	Declaration of David Brierton attaching Offense Incident Report	Relevancy Hearsay Foundation
DDDDD	Lunsford Deposition Exhibit No. 3	Hearsay Foundation
EEEEE	Lunsford Deposition Exhibit No. 8	
FFFFF	Lunsford Deposition Exhibit No. 17 (pp. 46-48)	Relevancy Hearsay Foundation
GGGGG	Lunsford Deposition Exhibit No. 20	Hearsay Relevancy
HHHHH	Lunsford Deposition Exhibit No. 21	Hearsay Pleading, Not Evidence
IIIII	Christensen Deposition Exhibit No. 2	
JJJJJ	Christensen Deposition Exhibit No. 3	
KKKKK	Christensen Deposition Exhibit No. 8	Foundation Hearsay
LLLLL	Lee Custom Cycle Web Site Material (H-D 0095-96)	Hearsay Relevancy Foundation

NUMBER	DESCRIPTION	OBJECTION
MMMMM	Marasca Evaluations (C-C 2457-2471)	Relevancy Hearsay
14	August 18, 2005 Letter from Ron Buchbaum re: voluntary termination of Buell Contract	Relevancy Rule 403
15	August 26, 2005 email from Ron Buchbaum re: voluntary termination	Relevancy Rule 403
16	November 30, 2000 Memo from Flickinger to All Dealers (H-D 20003-04)	Relevancy
68	Fax to Ron B. (Walsh Dep. Ex. 7)	Hearsay Foundation
69	Fax to Sean Walsh (Walsh Dep. Ex. No. 8)	Hearsay Foundation

B. Objections and Counter-Designations to Harley-Davidson's Deposition Designations

Michael Stevens

Page/Line	Objection
6:19-23	Relevance, Unduly prejudicial
13:20 – 14:10	Hearsay, Relevance, Speculative
18:11-17	Relevance, Not testimony
24:25 – 25:12	Speculative, Leading
33:5-9	Leading

Counter-Designations
59:7 - 21
60:12 – 66:6
76:13 – 81:9

Deborah Lunsford

Page/Line	Objection
5:14-18	Relevance, Unduly prejudicial
10:8-11	Speculative, Non-responsive
24:12 – 25:13	Hearsay, Speculative
25:22 – 27:7	Hearsay, Speculative

28:15-25	Hearsay, Speculative
31:6 – 36:25	Hearsay, Speculative, Non-responsive
37:14 – 38:14	Non-responsive, Speculative
38:24 – 39:25	Hearsay, Non-responsive, Misleading, Unduly prejudicial, Inflammatory
51:7-19	Misleading, Unduly prejudicial
55:7-9	Misleading, Inflammatory, Speculative
56:16 – 62:9	Relevance
93:3 – 94:13	Relevance, Unduly prejudicial, Hearsay
96:3-24	Relevance, Unduly prejudicial, Hearsay
112:9 – 116:8	Improper line of questioning, Hearsay, Speculative
116:22 – 118:25	Improper line of questioning, Hearsay, Speculative
119:14 – 120:23	Improper line of questioning, Hearsay, Speculative, Inflammatory, Unduly Prejudicial
183:25 – 185:1	Leading, Speculative

Counter Designation
13:13 – 14:4
47:25 – 48:2
48:19-21
56:16 - 57:7 ³
124:3 – 125:21
129:13 – 131:10
133:13-21
139:5-9
140:22 – 141:5
142:8 – 143:4
147:4-22
149:4 – 150:1
150:20 – 151:4
151:23 – 152:2
159:9-20
167:7 – 168:18
169:18 – 171:1
180:5-18

Michael Bloom

Cycle-Craft objects to the presentation of Mr. Bloom's testimony by deposition.

³ Plaintiff identifies this excerpt because of an unanticipated foundation objection by Defendant and reserves the right to offer the testimony in its case-in-chief if necessary.

Respectfully submitted,

CYCLE-CRAFT CO., INC.

By its attorneys,

/s/ James C. Rehnquist
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Dated: May 12, 2006

CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 12, 2006.

/s/ Christopher C. Nee

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